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No. 95-1277

IN THE SUPREME COURT OF THE UNITED STATES

October Term 1995

BILLIE J. LITZ, Petitioner,

v.

JOHN HARDY THOMAS, Respondent.

ON PETITION FOR WRIT OF CERTIORARI

TO THE COURT OF APPEAL OF CALIFORNIA

FOURTH APPELLATE DISTRICT, DIVISION ONE

PETITION FOR WRIT OF CERTIORARI

PETITIONER'S REPLY BRIEF

In Propria Persona

Billie J Litz
2906 Gobat Avenue
San Diego, CA 92122
(619) 455-9471

21 pp

EDITOR'S NOTE

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****

THE STATE COURT JUDGMENT DID NOT REST ON ADEQUATE AND INDEPENDENT STATE GROUNDS

On pages A-5 through A-6 of the Appendix herein are copied pages 0118-0119 of the Clerk's Transcript (taken from pages 8-9 of "Points and Authorities Opposing Demurrer of John Hardy Thomas, to Billie Litz' Complaint...." filed October 7, 1993, in Case No. 667516). The top of the page states: "RES JUDICATA DISTINGUISHED." The three paragraphs following were taken from the Black's Law Dictionary definition of **res judicata distinguished.**

Therein, the Texas case, Ft. Worth Stockyards Co. v. Brown, Tex. Civ. App., 161 S. W. 2d 549, 555, was cited. Please note the underscored in the definition: "The plea of 'res judicata' is in its nature an 'estoppel' against the losing party from again litigating matters involved in previous action, but the plea does not have that effect as to matters transpiring subsequently."

Mr. Thomas' lie under oath at the trial on August 9, 1990 -- a fraud -- for which I sued him in Case 667516, the second action between the parties, transpired subsequently to my 1988 cross-complaint for malpractice/conversion, Case No. 595034, wherein **fraud was not specifically pleaded**. (See footnote "1" on page 5 of Brief for Petitioner, regarding the "Specific Allegations Rule" in California). Thus, according to the definition **res judicata distinguished**, "the doctrine of res judicata .... a branch of the law of estoppel (citation)" is not applicable in this second action between the parties, Case No. 667516.

In view of the error in the ruling of the Superior Court of San Diego (wherein Mr. Thomas' demurrer for res judicata and collateral estoppel was sustained), which was affirmed by the Fourth District Court of Appeal, the answer to Question No. 2, in Questions Presented in Respondent's Brief in Opposition, should be, "No, the state court judgment did not rest on adequate and independent state grounds."

ARGUMENTS IN RESPONDENT'S BRIEF IN OPPOSITION HIGHLIGHT REASONS WHY THIS COURT SHOULD GRANT THE PETITION

In his Statement of the Case, under point "1.A.", Respondent has blithesomely glossed over two very important facts; namely:

1. Documentary evidence of record in Case No. 667516 -- the second action between the parties -- proves beyond a shadow of a doubt that Respondent lied under oath at the trial of the first action between the parties, Case No. 595034, on August 9, 1990, thus

skewing the verdict[1] of the jury at the trial on August 10, 1990. Because Case No. 667516 was dismissed without the state Court allowing me to bring it to trial, I was not afforded an opportunity for justice; and in violation of my much-stated-in-the-record State and U. S. Constitutional rights.[2]

LYING UNDER OATH IS A FELONY: A FEDERAL CRIME

Black's Law Dictionary states:

> "A person is guilty of **perjury** if, in any official proceeding, he makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the statement is material and he does not believe it to be true." (Clerk's Transcript, page 0117, Litz' Opposition to Thomas' Demurrer; filed October 7, 1993).

2. Respondent has omitted the fact that Judge Ronald L. Johnson instructed the jury before they were sent out to deliberate that "as a matter of law" Mr. Thomas had converted my money. Obviously, the jury did not understand the meaning of what he told

---

[1] On pages A-1 through A-4 of the Appendix herein, I have copied the Complaint and Verification in Case No. 667516, filed on August 9, 1993. (Clerk's Transcript, pages 0001-0004).

[2] On pages A-8 and A-9, of the Appendix herein, I have copied pages 18 and 19 of my First Amended Complaint in Case No. 667516, filed November 12, 1993 in Superior Court of San Diego County. (Clerk's Transcript, page 166-167). The indented, bold-typed, underscored, double-spaced three-quarters of a page on page 18, which began: "LITZ DID NOT RECEIVE A FAIR TRIAL AND DUE PROCESS OF LAW HAS BEEN DENIED....", followed by the details and the Constitution of the United States, Amendment 14, Sec. 1, is impossible to miss even if one was just perusing the First Amended Complaint.

Obviously, since no one in the county or state court has acknowledged this with a comment or a ruling, the courts have simply ignored it, as was stated in my Questions Presented, Question One, of this Petition. That is why, on page 25 of Brief for Petitioner, the case of Staub v. City of Baxley, Ga. was cited.

Respondent's allegations on pages 14, 15, and 16 of Respondent's Brief in Opposition that Staub is not applicable is spurious. The First and Fourteenth are both Amendments to the Constitution of the U.S., and the same principle surely applies.

them, because they found that Respondent "did not unlawfully convert monies that were the property of cross-complainant Billie Litz," as can be seen in Question No. 8, on page 2 of the Appendix in Respondent's Brief in Opposition where the Judgment is shown.

After the verdict was read, Judge Johnson stated from the bench on the last day of the trial (Litz' Lodged Exhibit No. 2 - Transcript) the following:

> "Friday, August 10, 1990
>
> THE COURT: We're again in session.
>
> In reference to the Court's determination that a conversion occurred of the funds when they were removed from the trust account and placed in a personal account and then redeposited in the client trust account approximately a month later, judgment on that cause of action is entered in favor of the cross-complainant, Billie Litz, and against the cross-defendant, John H. Thomas, and damages are awarded in the amount of $359. And when you prepare the verdict -- the judgment, I should say -- that should be reflected. MR. Biggins: I will prepare that, your Honor."

Mr. Biggins, Mr. Thomas' attorney, craftily composed the Judgment, so as to make it appear that the jury had the real say-so regarding the final verdict, instead of clearly stating that Judge Johnson, in a directed verdict, stated that conversion occurred. The State Bar of California was "confused" by this. I have a letter from Ms. Geminder in which this matter was discussed and she would not acknowledge that conversion took place. A clear violation of the Rules of Professional Conduct of the State Bar of California is conversion; yet the State Bar did nothing about my Complaint against Mr. Thomas; and the Supreme Court of California declined to hear my Appeal on the State Bar Complaint.

As can be seen when looking at the copy of the Judgment, it was "Approved as to form: Lande and Rolston, By Steven A. Lande." (Page 3 of Appendix, Respondent's Brief in Opposition).

Mr. Lande was obviously not looking out for my rights when he signed his approval. Was he mentally unable to do so? I believe this is true.

MISPRISION OF FELONY - A FEDERAL CRIME

On the same page 0117 of the record, I stated the definition of "MISPRISION OF FELONY":

> "The offense of concealing a felony committed by another, but without such previous concert with, or subsequent assistance to the felon as would make the party concealing an accessory before or after the fact. (United States v. Perlstein, C.C.A. N. J., 126 F.2d 789, 798).
>
> Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known to some judge or other person in civil or military authority under the United States, is guilty of the federal crime of misprision of felony. (18 U.S.C.A. Section 4)."

Messrs. Biggins and Lande surely knew[3] that Mr. Thomas lied under oath at the trial on August 9, 1990, because they knew the ruling of Judge May in the Bloom, et. al case; yet neither of them bothered to inform the judge.[4]

This should not have been ignored by the Superior Court of San Diego County and the Fourth District Court of Appeal, as has been done. My EXHIBITS 1-29 were lodged with the Superior Court on the same day as my First Amended Complaint was filed, November 12, 1993. (Clerk's Transcript, pages 0135-0140 is a List of Exhibits lodged). Also, on that same day, November 12, 1993, I filed a REQUEST TO TAKE JUDICIAL NOTICE of the Bloom, et al. Case No. 554832, and asked that Judge May's Statement of Decision and Judgment be read, referencing my Exhibits Nos. 6 and 6A lodged with the Court. (Clerk's Transcript, pages 0141-0145).

---

[3] Mr. Lande's brain tumor permitting.

[4] Both are Officers of the Court. They had a legal and moral obligation to inform Judge Johnson of the truth.

RESPONDENT IS MISLEADING THE COURT

In his Statement of the Case, page l, point "1.B.", Respondent has made a statement regarding the statute of limitations: "On the 365th day of the third year after the above Judgment in Respondent's favor was **entered**, Petitioner filed a state court 'fraud' action against Respondent." This lack of attention to truth and important detail is reminiscent of the time when Judge DiFiglia stated on January 25, l988, in a court hearing that Mr. Thomas had been "misleading to the Court to indicate there is money due and owing on a motion that is filed eight days after you indicate that the client's bill is zero." (See last paragraph, page l3, of Brief for Petitioner).

Shown in Respondent's Brief in Opposition, Appendix, page l, is a copy of the Judgment and the date it was ENTERED was Nov. 7, 1990.

Shown in Petitioner's Reply Brief, Appendix, page A-l is a copy of the Complaint for Fraud which I filed against Respondent, clearly FILE-STAMPED August 9, l993.

Respondent has obviously confused the date of the third anniversary of his lie under oath on the witness stand at trial on August 9, 1990, with the date the Judgment was entered.

RESPONDENT IS AGAIN ATTEMPTING TO MISLEAD

In his Statement of the Case, page 3, point "1.C.", Respondent has stated that Petitioner raised no legal issue in her briefs filed in the Court of Appeal. This is not true.

In this PETITION FOR WRIT OF CERTIORARI, Brief for Petitioner, pages 26A-30A of the Appendix, is shown the Table of Authorities for the two briefs Petitioner filed in the Court of Appeal, and the Constitutional Provisions Set Out Verbatim, all of which are citations in support of the legal issues in my briefs.

PETITIONER REPLIES TO RESPONDENT'S ALLEGATIONS OF "MISSTATEMENTS OF FACT" SET FORTH IN THE PETITION

In point No. 2 of Respondent's Brief in Opposition there are 13 letters (A through M) to which I reply:

A. Respondent is incorrect in his assessment. The Superior Court would not allow me to amend my First Amended Complaint to include the new information I gave in Oral Argument wherein I stated: "I want to use one of the forms that I read about, opposing the demurrer to the complaint, Code of Civil Procedure 430.10(e), in **equity to vacate and set aside the judgment**. There are forms 206 or 207, which is to do with the disability of my attorney and/or his inexcusable neglect." (Brief for Petitioner, Appendix page 21A, 3rd paragraph--ORAL ARGUMENT, before Judge Baxley, Superior Court). (Appendix page 22A, 2nd paragraph): I stated, "I don't know whether my course has been proper as far as filing this lawsuit first, but I was concerned about the statute.....It says somewhere in here that you can file an **independent action in equity** and I don't know how to quote all of these things, but I have read that entire book on Relief of Judgments.....and if you want me to **amend the complaint**....." As far as I know, the fraud lawsuit I filed is an independent action in equity to set aside a Judgment by fraud; they are one in the same, and there is no distinction I can find in the lawbooks. In California, the court in Law and the court in Equity are the same court. (page 43, Appellant Billie J. Litz' Opening Brief, Court of Appeal).

B. On page 2, 2nd paragraph of Brief for Petitioner, I stated the position of Judge Baxley: "(temporarily assigned that morning, replacing Judge Harrison R. Hollywood)".

C. It was not until long after the first action between the parties that I was aware that I did not have due process -- as I have often stated in my briefs. Respondent lies when he states that there were "only fleeting, and wholly formal references made

to a claimed lack of due process in Petitioner's First Amended Complaint," as can be clearly seen on pages 166-167 of the Clerk's Transcript, described herein in Footnote "2".....three-quarters of a page of indented, bold-typed, underscored, double-spaced type, beginning with "LITZ DID NOT RECEIVE A FAIR TRIAL AND DUE PROCESS OF LAW HAS BEEN DENIED...." (See Appendix herein, pages A-7 through A-9).

D. Respondent has not paid me $359. The money in the client's trust account was in excess of the judgment according to arithmetic. Respondent has refused to make a **bonafide** FULL ACCOUNTING with documentation to support his claim.

E. Respondent and Petitioner disagree.

F. Respondent has made my point! I believe it is evidence of Mr. Lande's deficient memory that he would lie at the trial, when he did not have to respond to Mr. Biggins' remarks, at all. However, it is also possible that he "sold out to the other side." I need not make a choice because either will do, to set aside the Judgment in Case No. 595034.

G. Respondent and Petitioner disagree.

H. It is **revolting** that respondent in the last paragraph of his point "H" refuses to acknowledge the conversion.....and states that it is a "**claimed** temporary conversion." Apparently, he did not pay any attention to what Judge Ronald L. Johnson stated in reference to the face that "as a matter of law" my money was converted by Respondent. Could it be that he, too, has been taken-in by the Judgment craftily composed by Mr. Biggins? (Respondent's Brief in Opposition, pages 1-3, Appendix).

I. Petitioner has not misled the Court. Petitioner sued Mr. Karen in Small Claims Court. Mr. Karen did not appear and sent an employee to tell the judge that Mr. Karen was ill and

to serve me papers for Municipal Court. The whole story is not relevant here except to say that Mr. Karen breached his contingency contract and he kept money he had not earned. There is, and there will be, no judgment in Municipal Court.

J. Since Petitioner was not allowed to bring to trial the Case No. 667516, the facts are not known as to whether or not Respondent lied at trial of the first action; and it remains only "contention" or allegation until proven.

K. Respondent and Petitioner disagree.

L. See topic herein: "MISPRISION OF FELONY", page 5.

M. I have not libeled Judge Johnson. I have great respect for the office of "Judge." However, in this case, it is well-known in San Diego because of the articles in the San Diego Union Tribune, and one particular article published on February 24, 1995, Section B, Page 1, with the headline: JUDGE RONALD JOHNSON QUITS POST ABRUPTLY, in which was summarized the matters since January, 1994, when he was arrested for drunk driving, hit-and-run, to which he pled guilty, and was sentenced to community service. This was his third conviction for drunk driving. He resigned from his position as Judge of the Superior Count of San Diego County.

I know he had a duty to make sure the truth was told to the jury. He honored it by telling the jury that "as a matter of law," my money was converted.

* * * * *

Time and space constraints will not permit me to respond to all the points of Respondent, however the Court will mercifully see the bias and know that I stand in need of equal protection under the law, and that I did not receive due process.

I have been "gaslighted" for a long, long time by Respondent.....but no more! If you saw the classic movie,

"Gaslight," starring Charles Boyer, you know whereof I speak. In the movie, the actor was attempting to make his wife think she was insane, using flickering gaslight and the power of suggestion.

CONCLUSION

If not the United States Supreme Court, then who on earth will save the poor from the tyranny of unscrupulous attorneys who know how to mislead judges in the justice system in the county and state courts of our nation, when the lower courts have failed in their duty to us?

For all the foregoing reasons and the fact that it simply isn't right for an attorney to take a widow's life savings under the guise of helping her with a simple agreed-upon-between-the-parties dissolution of a short second marriage:

I pray, in the name of justice and reason, that the United Stated Supreme Court will grant this Petition.

Respectfully submitted,

Billie J. Litz

Billie J. Litz, Petitioner
(In Propria Persona)
2906 Gobat Avenue
San Diego, CA 92122
Phone: (619) 455-9471

Dated: March 13, 1996

Billie J. Litz - in pro per -
2906 Gobat Avenue
San Diego, CA 92122
Phone: 455-9471

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

(stamp) FILED
BUSINESS DIVISION
Aug 9 4:18pm '93
KENNETH E. MARTONE
CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

(stamp)
Amendment Filed 1st 11-12-93

CASE NO. 667516 (stamp)

BILLIE J. LITZ, Plaintiff,	) COMPLAINT - FRAUD
v.	) CAUSING MONEY
JOHN HARDY THOMAS, attorney) and DOES 1-10 Defendant	) DAMAGES to me of
	) $109,000+ in attorney fees
	) and Court costs and
	) thousands of dollars in
	) extra mortgage interests

In Superior Court of the State of California for the County of San Diego, in CASE NO. 595034, Defendant, John Hardy Thomas, knowingly and willfully lied under oath on the witness stand three years ago, Today, on August 9, 1990, and thus, caused a jury verdict to be skewed. The jury found him not guilty of negligence or malpractice or conversion (although the judge, in a directed verdict, ruled that as a matter of law conversion occurred). Judgment is on file November, 1990.

His lie was in regard to a most relevant matter, a temporary restraining order (TRO), in which, according to his own attorney, James J. Biggins, Jr., who testified under oath approximately nine months after the malpractice trial ended, on May 14, 1991, in U. S.

Bankruptcy Court, CASE No. 90-90642-H7, that if circumstances had been as I testified in the malpractice trial, it would have been malpractice for John Hardy Thomas to have acted as he did in regard to the TRO, about which he lied at his malpractice trial and thus, caused me money damages above.

-end of page 0001 of file

John Hardy Thomas won $60,678.75 plus interest thereon in judgment and this was paid by me from my money he had kept in his bank account for the duration of the time since it was owed to me, approximately September, 1987, through the end of the trial, August 10, 1990.

I have had to pay attorneys since John Hardy Thomas withdrew as my attorney beginning at a hearing January 25, 1988, wherein he was "misleading to the Court," according to the judge. I was present (representing myself) and showed the judge (DiFiglia) the receipted bill John Hardy Thomas had sent me 8 or 9 days before he filed the motion asking to withdraw as my attorney. The bill was for $60,241.93, and was marked "payment in full - 0 bal;" yet he had stated in his moving papers that he wanted to be allowed to withdraw because my bill was not paid. Judge DiFiglia denied his motion and he had to file again to be allowed to resign, because he had lied about his reason, to the judge. (I have the transcript of the hearing).

My attorneys' bills and court costs are in an approximate amount of the difference between the $60,678.75 John Hardy Thomas received after the malpractice trial and $109,000.+ I had to retain attorneys to represent me because three or four lawsuits were still in progress when he was allowed to withdraw.

Since I did not have the use of my $60,241.93 which John Hardy Thomas kept until after the malpractice trial, I had to refinance my residence to have money to pay retainers, etc.

-end of page 0002 of file-

I do not know the exact amount of the extra interest I have

had to pay because I did not have the use of my money, the $60,241.93, as of this date, July 9, 1993. (correction: Aug. 9, 1993).

I realize I need an attorney to represent me in this matter and will have expenses beginning with the filing fee today.

I have anguish and much pain and suffering that I have endured for many years (since 1984 when I hired John Hardy Thomas) and it has been made much worse since the malpractice trial ended when I knew that John Hardy Thomas had lied under oath at the trial on August 9, 1990, however I could not find the proof (in documents under oath) until sometime in the spring of 1991 (several months after the malpractice trial ended.)

I now have documents to prove he has defrauded me by lying to the judge and jury at the malpractice trial. He has contradicted himself on many occasions about the TRO.

WHEREFORE, Plaintiff prays Judgment against Defendant, as follows:

1: For the sum of $60,678.75 with interest thereon;

2. For the other sums of money mentioned above, according to proof, and for such other and further relief as the Court feels is just, including costs of attorney's fees (if I hire one to continue this lawsuit) and costs. I pray that special consideration will be given to the fact that I had to file Chapter 7 bankruptcy after the trial ended; and I am much aggrieved because I had always, theretofore, had an excellent credit rating.

/s/ Billie J. Litz

BILLIE J. LITZ, Plaintiff

-end of page 0003 of file-

VERIFICATION

I, BILLIE J. LITZ, am the Plaintiff in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge except as to those matters which are therein alleged on information and belief, and as

to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed August 9, 1993, at San Diego, California.

/s/ Billie J. Litz
BILLIE J. LITZ

Billie J. Litz in pro per
2906 Gobat Avenue
San Diego, CA 92122

-end of page 0004 of file-

[Pls. Note: The same "VERIFICATION" was executed for the FIRST AMENDED COMPLAINT filed November 12, 1993. (Clerk's Transcript, pg. 207)]

RES JUDICATA DISTINGUISHED.

A prior judgment between same parties, which is not strictly res judicata because based upon different cause of action, operates as an "estoppel" only as to matters actually in issue or points controverted. Aetna Life Ins. Co. of Hartford, Conn. v. Martin, C.C.A.Ark., 108 Fed 824, 827; Cunningham v. Oklahoma City, 188 Okl.466, 110 P..2d 1102, 1104.

In a later action upon different cause of action a judgment operates as an "estoppel" only as to such issues in second action as were actually determined in the first action. Lorber v. Vista Irr. Dist., C.C.A.Cal., 127 F.2d 628,634.

The doctrine of "res Judicata" is a branch of law of "estoppel." Krisher v. McAllister, 71 Ohio App. 58, 47 N.E.2d 817, 819. The plea of "res judicata" is in its nature an "estoppel" against the losing party from again litigating matters involved in previous action, but the plea does not have that effect as to matters transpiring subsequently. Fort Worth Stockyards Co. v. Brown, Tex.Civ.App., 161 S.W. 2d 549,555. (emphasis added).

CASES OF ATTORNEYS WHO HAVE BEEN EITHER DISBARRED OR SUSPENDED, OR BOTH:
In re Baldo M. Kristovich on Suspension. 18 C.3d 468; 134 Cal. Reptr. 409,556 p.2d 771.
William B. Olguin v. The State Bar of California, 28 Cal. 3d. 195; 167 Cal.Rptr. 876, 616 P.2d 858.

CUTLER v. STATE BAR, 71 Cal. 2d 241,254. A case of an Attorney's disbarment and suspension - Proceedings - Sufficiency of Evidence.

-end of page 0118 of file -

(Cutler v. State Bar, supra.)

In proceedings a STATE BAR Disciplinary Board, the evidence sustained the Board's finding of an attorney's culpability in having taken his client's funds (Miss Seyfang's funds) and in lying in his deposition and it was ordered that the attorney be disbarred and that his name be stricken from the rolls of attorneys effective 30 days after filing of that decision.

Stated in the case (see top of page 242) "the conclusion was inescapable that, in his deposition, taken in the client's action to recover the funds, he deliberately falsified his testimony to conceal the true nature of his conduct. Same page 242:

"(1c) As indicated above, petitioner, at the time his deposition was taken in Miss Seyfang's civil action against him, made certain statements which have shown to be false."

"(6) A member of the State Bar should not under any circumstances attempt to deceive another person, as petitioner has attempted to deceive the attorney his client employed to represent her in an action to recover her funds from petitioner, and it is immaterial whether any harm was done. McKinney v. State Bar, supra, 62 Cal 2d 194, 196. (3).

"AN ATTORNEY'S PRACTICE OF DECEIT INVOLVES MORAL TURPITUDE."

Several sections of the BUSINESS AND PROFESSIONS CODE apply in this instance.....as well as the RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR. I do not need to state them.

Dated: October 7, 1993 /s/ Billie J. Litz

BILLIE J. LITZ, Plaintiff
in Propria Persona

-end of page 0119 of file-

LITZ DID NOT RECEIVE A FAIR TRIAL AND DUE PROCESS OF LAW HAS BEEN DENIED BECAUSE OF FRAUD AS ALLEGED HERE IN CASE NO. 595034 - "FEES/MALPRACTICE/CONVERSION" TRIAL, IN WHICH THOMAS WAS ALLOWED TO FALSELY TESTIFY (WITH APPROVAL, SO FAR) UNDER OATH ABOUT A TRO - A RELEVANT, MATERIAL FACT - WHICH WAS THE DIRECT CAUSE OF LAWSUITS FILED AGAINST LITZ, WHICH LAWSUITS SHE HAD TO DEFEND AND WHICH, INCLUDING THE LAWSUIT THOMAS FILED AGAINST LITZ, HAS COST LITZ MORE THAN $109,000 IN ATTORNEY FEES AND COSTS, AND LITZ HAD TO BORROW THIS MONEY OUT OF THE EQUITY IN HER HOUSE, HER HOME AND THE ONLY ASSET LITZ HAD AT THE TIME THOMAS FILED LITZ' DISSOLUTION CASE AGAINST WUCHER, WITH THE EXCEPTION OF THE MONEY WUCHER OWED LITZ WHICH HE HAD PROMISED TO PAY OUT OF THE SALE OF THE WUCHER HOUSE, WHICH SHOULD HAVE CLOSED ESCROW ON OR ABOUT SEPTEMBER 21, 1984, APPROXIMATELY TWO MONTHS AFTER LITZ HIRED THOMAS ON JULY 25, 1984, AND LITZ WAS OWED BY WUCHER ALMOST $62,000 AT THAT

TIME. AT THE LATEST, ESCROW SHOULD HAVE CLOSED NOVEMBER 12, 1984.

28. The Constitution of the United States, Amendment 14, Sec. 1, states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction

-end of page 0166 of file-

the equal protection of the laws." The Constitution of California, Article III, Sec. 1, states: "The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land. (New section adopted November 7, 1972.)" LITZ ALLEGES THAT SHE HAS NOT HAD A FAIR TRIAL IN CASE NO. 595034, THE FEES/MALPRACTICE/ CONVERSION TRIAL, AND SHE HAS BEEN DEPRIVED OF PROPERTY WITHOUT DUE PROCESS OF LAW -- JOHN HARDY THOMAS, Defendant, has defrauded LITZ by first, having taken money she won in judgments in a trial for DISSOLUTION/PROMISSORY NOTES, on December 9-10, 1986, before the Honorable Judge pro tem GERALD L. BARRY, JR., in which judgments for money totaling more than $78,000 or even as much as $80,000 +was paid eventually to THOMAS and THOMAS would not release her money to her even after she complained in a letter to him about the TRO on September 29, 1987, and disputed his right to be paid the purported attorneys fees bill balance of $60,241.93, and he paid himself out of the money (LITZ' money) in the client's trust account of THOMAS, the disputed $60,241.93, and he did not put the money back into the client's trust account until January 21, 1988, when he sued LITZ for the purported attorney bill balance at that time of $60,678.75. At the fees/malpractice/conversion trial LITZ won judgment for $359, interest for one month on the money, for THOMAS having

CONVERTED her money. THOMAS won all he claimed originally in fees because the jury believed THOMAS' wilful, premeditated lie regarding the TRO, LITZ has previously related; and thus, THOMAS WAS ALLOWED TO KEEP THE MONEY HE HAD TAKEN FROM LITZ, and withheld from her since September, 1987, (when he received the check from Mara Escrow $73,295.68.)

-end of page 0167 of file-